

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (Cancelled).
2. (Previously presented) The vector of claim 5, wherein said target cell is a tumor cell.

Claims 3-4. (Cancelled).

5. (Currently Amended) A viral vector comprising a nucleic acid encoding a therapeutic polypeptide that is an essential gene product that allows a virus to replicate, wherein said nucleic acid is operably linked to a heterologous destabilizing element, wherein upon introduction of said vector into a target and a non-target cell, expression of said therapeutic polypeptide encoded by said nucleic acid is enhanced in said target cell relative to the expression of said therapeutic polypeptide in said [[a]] non-target cell ~~into which said vector has been introduced~~, wherein said heterologous destabilizing element is a [[the]] 3' untranslated region of the tumor necrosis factor alpha gene.

Claims 6-38. (Cancelled).

39. (Previously Presented) The vector of claim 5, wherein said viral vector is an adenoviral vector.
40. (Previously Presented) The vector of claim 5, wherein said viral vector is a vaccinia virus vector.